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8
9 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA
10 **SAN FRANCISCO DIVISION**

11 **In re:**

12 **PG&E CORPORATION,**

13 **- and -**

14 **PACIFIC GAS AND ELECTRIC**
COMPANY,

15 **Debtors.**

- 16 ☐ Affects PG&E Corporation
17 ☐ Affects Pacific Gas and Electric
Company
18 ☒ Affects both Debtors

19 ** All papers shall be filed in the Lead
Case, No. 19-30088 (DM).*

Case No. 19-30088 (DM)

Chapter 11
(Lead Case) (Jointly Administered)

**STATUS CONFERENCE STATEMENT
REGARDING REORGANIZED DEBTORS'
SEVENTY-SIXTH OMNIBUS OBJECTION
TO CLAIMS – CLAIM OF WILLIE & ORA
GREEN (CLAIM NO. 80673)**

[Related to Docket No. 10537]

Date: November 23, 2021

Time: 10:00 a.m. (Pacific Time)

Place: Tele/Videoconference Appearances Only
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 **I. PRELIMINARY STATEMENT**

2 In advance of the November 23, 2021, 10:00 a.m. omnibus hearing (the “**Hearing**”), PG&E
3 Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as debtors and
4 reorganized debtors (collectively, the “**Debtors**” or the “**Reorganized Debtors**”) in the above-
5 captioned chapter 11 cases (the “**Chapter 11 Cases**”), hereby submit this status conference statement
6 in connection with their objection to the claim of Willie & Ora Green (Claim No. 80673) (the “**Green**
7 **Claim**”) through the *Reorganized Debtors’ Seventy-Sixth Omnibus Objection to Claims (No Liability*
8 */ Passthrough Claims)* [Docket No. 10537] (the “**Omnibus Objection**”)¹.

9 **II. PREVIOUS STATUS CONFERENCES**

10 In the Omnibus Objection, the Reorganized Debtors submitted that they are not liable on the
11 Green Claim because (i) the Greens have not satisfied their burden of proving that the alleged damage
12 to their driveway and garage floor was caused by the construction work of PG&E or its contractor,
13 (ii) the Greens have not proven the amount of their alleged damages, and (iii) the construction work
14 in question was performed not by PG&E, but a third party contractor.

15 On October 19, 2021, the Court held a status conference on the Omnibus Objection, with Mr.
16 and Ms. Green and counsel for the Reorganized Debtors present.² During this status conference, the
17 Court and the parties discussed the alleged investigative report by R Sinclair Group (the “**Alleged**
18 **Report**”) that the Greens had submitted in their responses to the Omnibus Objection.

19 After the October 19 status conference, the Court issued the *Order After Hearing* on
20 October 21, 2021 [Docket No. 11461] (the “**Order**”). In the Order, the Court directed the Greens to
21 obtain a signed declaration from Matthew T. Kisak, P.E., and or a representative of R Sinclair Group,
22 LLC, which, under penalty of perjury, authenticates and supplements (as directed in the Order) the
23 Alleged Report, including by stating that, in his opinion, “the cracks and other damage inside the
24 Green’s garage was caused by [PG&E’s] work.”

25 _____
26 ¹ Capitalized terms used but not defined herein have the meanings ascribed to them in the Seventy-
Sixth Omnibus Objection.

27 ² Prior to the October 19 Status Conference, the Reorganized Debtors filed a Reply brief (the
28 “**Reply**”) and supporting declarations on October 12, 2021 [Docket Nos. 11408, 11409, and 11410],
which are incorporated by reference herein.

On November 9, 2021, the Court held a continued status conference on the Omnibus Objection, with Mr. and Ms. Green and counsel for the Reorganized Debtors present.³ Immediately prior to the November 9, 2021 status conference, the Greens filed two additional responses at Docket Nos. 11555 and 11588 (the “**November 9 Response**”)⁴. Because neither the Court nor counsel for the Reorganized Debtors had the opportunity to review these documents before the November 9 status conference, the hearing was continued to November 23.

III. MATTERS TO BE DISCUSSED AT NOVEMBER 23, 2021 HEARING

The Reorganized Debtors have reviewed the November 9 Response and believe that some additional information will be necessary to assess the Greens’ claim. The Reorganized Debtors recognize that, given the nature of the Green Claim, any additional discovery should be tailored and limited.

In the first instance, the Reorganized Debtors would like the opportunity to speak with Mr. Kisak directly regarding his August 2019 report. While the November 9 Response does include a short letter from Mr. Kisak, it fails to identify his current employer or include his contact information. Counsel for the Reorganized Debtors requested this information about Mr. Kisak from the Greens on November 12, 2021, but have not yet received a response.

The Reorganized Debtors look forward to discussing these issues with the Court at the November 23, 2021 hearing.

Dated: November 19, 2021

KELLER BENVENUTTI KIM LLP

/s/ Thomas B. Rupp

Thomas B. Rupp

Attorneys for Debtors and Reorganized Debtors

³ Prior to the November 9 Status Conference, the Reorganized Debtors filed a status conference statement [Docket No. 11544], which is incorporated by reference herein.

⁴ Docket No. 11588 appears to contain all of the pages submitted in Docket No. 11585.